

# MEMORANDUM

Agenda Item No. 7(A)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

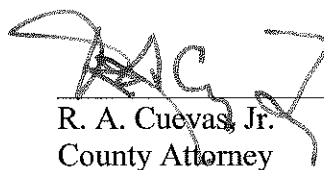
**DATE:**

(Second Reading 11-5-13)  
September 17, 2013

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Ordinance amending Chapter 6  
of the Code related to blood  
donor facilities; to delete the  
donor identification system for  
plasma donors and  
plasmapheresis facilities, the  
breath analysis requirement  
of commercial donors and the  
procedure for denial of any  
donor identification card

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chair Lynda Bell.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/smm

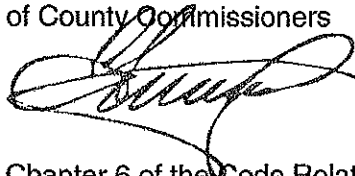
# Memorandum

MIAMI-DADE  
COUNTY

**Date:** November 5, 2013

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor



**Subject:** Ordinance Amending Chapter 6 of the Code Related to Blood Donor Facilities; to Delete the Donor Identification System for Plasma Donors and Plasmapheresis Facilities, the Breath Analysis Requirement of Commercial Donors and the Procedure for Denial of any Donor Identification Card

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The proposed ordinance amends Chapter 6 of the Code related to blood donor facilities and deletes the donor identification system for plasma donors and plasmapheresis facilities, the breath analysis requirement of commercial donors, and the procedure for denial of any donor identification card. Implementation of this ordinance will not have a fiscal impact to the County.



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Alina T. Hudak  
Deputy Mayor

Fls9613



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** November 5, 2013

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 7(A)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(A)  
11-5-13

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATED TO BLOOD DONOR FACILITIES; TO DELETE THE DONOR IDENTIFICATION SYSTEM FOR PLASMA DONORS AND PLASMAPHERESIS FACILITIES, THE BREATH ANALYSIS REQUIREMENT OF COMMERCIAL DONORS AND THE PROCEDURE FOR DENIAL OF ANY DONOR IDENTIFICATION CARD; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Chapter 6 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

\* \* \*

~~[[Sec. 6-4.1. Donor identification system for plasma donors and  
plasmapheresis facilities.~~

~~(a) *Definitions.* As used in this section the following  
terms shall be defined as hereinafter provided:~~

- ~~(1) "Plasma donor" means an individual who undergoes  
venipuncture (or phlebotomy) to obtain the liquid portion  
of blood (plasma).~~
- ~~(2) "Plasmapheresis" means the procedure whereby whole  
blood is removed from a plasma donor by venipuncture (or  
phlebotomy) and the plasma is separated therefrom.~~
- ~~(3) "Plasmapheresis facility" means any facility, laboratory, or  
place of business where plasmapheresis is performed.~~

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

~~(b) *Plasma donor identification system.* There shall be established, pursuant to regulations promulgated by the Director of the Dade County Department of Public Health, a system for the registration and identification of and the gathering of medical data applicable to any person who shall undergo or attempt to undergo plasmapheresis in any plasmapheresis facility in Dade County. The information, data gathering, and registration system for which provision is herein made shall be known as the "Plasma Donor Identification System."~~

- ~~(1) Donor identification card required. Except as hereinafter provided, it shall be unlawful for any person to present himself for plasmapheresis and for any plasmapheresis facility to perform plasmapheresis on any individual, unless that individual shall first present to the plasmapheresis facility a valid donor registration card for which provision is made in subsection (b)(2) of this section.~~
- ~~(2) Application for donor registration number and donor registration card. Each prospective plasma donor before undergoing plasmapheresis shall make application to the Department of Public Health, in a manner prescribed by that Department, for a donor identification number and a donor identification card. Each plasmapheresis facility shall be required to place and maintain upon the premises of the facility such photographic and other identification equipment as shall be required by the Director of the Dade County Department of Public Health for the maintenance of the plasma donor identification system.~~
- ~~(3) Records and confidentiality. Records shall be kept by each plasmapheresis facility and by the Department of Public Health pertaining to each plasmapheresis procedure performed and each attempt by an individual to undergo plasmapheresis. Such records shall set forth the date of the aforementioned events, identifying information pertaining to the plasma donor or prospective plasma donor, and such other identifying and medical data as shall be required by the Department of Public Health. All of the aforementioned information shall be provided by plasmapheresis facilities to the Department of Public Health daily and the Department of Public Health shall compile such information and give prompt notification of any violation of this section or the rules and regulations promulgated pursuant hereto.~~

The Department of Public Health shall keep all its records in a manner which protects the rights of individuals to the

~~confidentiality of their medical records. The disclosure of the identity of or other information relating to blood donors, except as such disclosure is directly related to and necessary for enforcement of this section is expressly prohibited.~~

- (4) ~~Prohibited acts. It shall be unlawful for any person to obtain or attempt to obtain more than one (1) plasma donor identification card or more than one (1) plasma donor identification number, or for any person to attempt to utilize a donor identification card or donor identification number of another individual, or for any person to provide false information to a plasmapheresis facility or to the Department of Public Health in connection with the application for a donor identification card or identification number or in connection with any plasmapheresis procedure.~~

(c) ~~*Fees.* The Director of the Dade County Department of Public Health shall assess a fee upon each plasmapheresis facility for the purpose of paying the expense which the Department of Public Health shall incur in the implementation and maintenance of the plasma donor identification system.~~

~~The fee shall be based upon the number of plasmapheresis procedures performed by a plasmapheresis facility, and shall be payable monthly by the facility upon receipt of an invoice from the Dade County Department of Public Health. The fee shall not exceed the amount of fifty cents (\$0.50) for each plasmapheresis procedure which has been performed by the facility during the said month. The total of fees collected shall not exceed the cost to the Department of Public Health of administering the plasma donor identification system.~~

(d) ~~*Penalties.* In addition to the penalties otherwise provided by Ordinance 73-91 [Chapter 6], the following penalties may be imposed by the Director of the Department of Public Health upon his determination that an individual has violated a provision of this section:~~

- (1) ~~For a violation by a person who is not a registered donor, a disqualification of that person from becoming a registered donor for a period not exceeding ninety (90) days for each violation.~~
- (2) ~~For the first violation by a registered donor, suspension of the donor identification card and number and all the~~

~~privileges incident thereto for a period not exceeding ninety (90) days.~~

- (3) ~~For the second violation by a registered donor, suspension of the donor identification card and number and all the privileges incident thereto for a period not exceeding one (1) year.~~
- (4) ~~For the third violation by a registered donor, suspension of the donor identification card and number and all the privileges incident thereto for a period not exceeding five (5) years, or permanent revocation of the donor identification card and registration number and all the privileges incident thereto.~~

~~Sec. 6-4.2. Breath analysis required of commercial donors.~~

~~It shall be unlawful for any commercial blood donor facility in Dade County to extract whole blood or any of its products from a commercial donor unless, immediately prior to said extraction, the facility shall analyze the breath of the donor and determine from such analysis that the blood of the donor does not contain alcohol in excess of seven one hundredths (0.07) percent, weight per volume. For the purpose of performing the required breath analysis, each commercial blood donor facility in Dade County shall maintain upon the premises thereof such testing materials, equipment, supplies, and personnel as are approved by the State Division of Health of the Department of Health and Rehabilitative Services and as shall be required and approved by the Dade County Department of Public Health.]]~~

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~~[[Sec. 6-5.2. Procedure for the denial, suspension or revocation of any donor identification card.~~

~~Notice of violation. Whenever the Director of the Department of Public Health or his duly authorized representative finds and determines that there has been a violation of the Dade County Blood Donor Facility Ordinance, he shall give notice of such violation to the party responsible for such violation. Such notice shall be in writing and shall be served upon the party responsible for the violation. The notice shall specify the violation and the penalty imposed as provided for in Section 6-4.1(d) of this chapter. Such notice shall be deemed to be properly served and binding upon the party responsible, if a copy is served personally~~

~~or served by certified mail, or if after diligent search and inquiry the party responsible for the violation cannot be found or served by personal service or certified mail, a copy of the notice is published once during each week for four (4) consecutive weeks in some newspaper published in Dade County. The newspaper shall meet such requirements as prescribed by law for such purpose. Such notice shall inform the party to whom it is directed of the right to apply to the Health Appeals Board for a hearing and review of the matters specified in the notice.]]~~

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**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 4.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Laura M. Llorente  
Christopher C. Kokoruda

Prime Sponsor: Vice Chair Lynda Bell